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Appl. No. 10/714,519
September 21, 2009

REMARKS/ARGUMENTS

Claims 1, 2, 4-7, 9, 10, 14-16, 18, 19, 23-25, 27-30, 32-34 and 36-46 are allowed, with claim 47 objected to and claims 11, 13, 17 and 20-22 rejected in the outstanding Final Rejection. Applicants have cancelled without prejudice claims 11, 13 and 20-22 and amended claims 17, 40 and 47. Accordingly, claims 1, 2, 4-7, 9, 10, 14-19, 23-25, 27-30, 32-34 and 36-47 are the only claims remaining in this application.

The Examiner's acknowledgment of PTO acceptance of the previously filed formal drawings is very much appreciated. Similarly, the Examiner's acknowledgment of Applicants' claim for priority and PTO receipt of the certified copies of the priority documents is very much appreciated. Finally, the Examiner's consideration of the prior art noted in Applicants' previously filed Information Disclosure Statement is appreciated.

On page 11 of the Final Rejection, the Examiner has indicated that claim 17 would be allowable if rewritten to overcome the rejection under 35 USC §112. Applicants have cancelled claims 11, 13 and 20-22 and inasmuch as claim 17 depended upon claim 13, the subject matter of claim 13 has been incorporated into amended claim 17. Additionally, the rejection of claim 17 under 35 USC §112 was based on a lack of antecedent basis for the phrase "monitor mode vector table." Applicants have additionally amended claim 17 to include the subject matter of claims 15 and 16 which establish the antecedent basis for "monitor mode exception vector table."

Thus, claim 17 has been rewritten in independent form.

Applicant has amended claim 47 to recite "control a data processing apparatus according to the method of claim 24." The prior language also included dependency upon claim 24 and, in accordance with the Manual of Patent Examining Procedure (MPEP)(§608.01(n)), by law includes all of the limitations of claim 24, from which it depended. However, in view of the

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Examiner's preference, the language "according to" instead of "in accordance with" has been used

Interviews conducted September 16, 2009 with SPE Nasser G. Moazzami and Examiner Shanto Abedin

Applicants' undersigned representative contacted SPE Moazzami in that he was the supervisor who signed off on the Final Rejection. The specific point of discussion was with respect to the Examiner's perceived basis for a rejection of claim 47. It was Applicants' position that the existing claim language "in accordance with the method of claim 24" means exactly the same thing as the language "according to the method of claim 24." Applicants' undersigned representative pointed out that the MPEP provides a guide as to acceptable dependent claim wording which states "A gadget according to claims 3 or 4, further comprising . . ." at Section 608.01(n). Because this language means the same thing, there should be no basis for objecting to claim 47 because it, as do all dependent claims, incorporates by reference each and every step recited in the claim from which it depends. SPE Moazzami indicated that he would consider the matter and consult Examiner Abedin.

Somewhat later in the day, Applicants' undersigned representative received a call from Examiner Abedin and Applicants' undersigned representative explained the above to Examiner Abedin who indicated that, while there may be no basis for rejection of the language "in accordance with," he felt more comfortable with the language "according to" and Applicants agreed to make that correction in claim 47.

Also, the objections to claim 17 were discussed and Applicants agreed to amend claim 17 to include the subject matter of claims 15 and 16 which provide clear antecedent basis for "monitor mode exception vector table" as well as claim 13 from which claim 17 originally

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depended which is now cancelled. Even though not rejected or objected to in the Final Rejection, Applicants also agreed to make similar amendments to claim 40 (incorporating the limitations of claims 38 and 39) to cure antecedent basis objections which perhaps could have been raised in the Final Rejection. In both claims 17 and 40, the phrase "monitor mode vector table" in the last two lines was also amended to read "monitor mode exception vector table" which now has clear antecedent basis in the claim.

Agreement was reached that, in view of the amendments to objected to claim 17 and rejected claim 47, these claims would now be allowed. The above amendment to claim 40 maintains it as an allowable claim. The granting of interviews by SPE Moazzami and Examiner Abedin is very much appreciated.

Applicants have cancelled without prejudice claims 11, 13 and 20-22. Thus, the only claims remaining in the application are claims 1, 2, 4-7, 9, 10, 14-19, 23-25, 27-30, 32-34 and 36-47, all of which claims are indicated as allowed, except for claims 17 and 47 which, as noted above, are indicated as would be allowable if amended to overcome the §112 rejection (in the case of claim 17) and the objection to claim 47.

Entry of the Amendment pursuant to Rule 116

Entry of the above amendment pursuant to the provision of Rule 116 is respectfully requested. Claims 11, 13 and 20-22 which were rejected in the present application have been cancelled without prejudice thereby obviating any need to respond to these rejections. The objected to claims 17 and 47 have been amended to overcome the rejection and/or objection. Entry of the above amendment, which was agreed to during discussions with the Examiner, will obviate all remaining objections in this application and will also obviate the need for any appeal.

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These amendments do not raise any new issues requiring further consideration and/or search and therefore entry is appropriate pursuant to 37 CFR 1.116.

Having responded to all objections and rejections set forth in the outstanding Official Action, the remaining claims are believed to be in condition for allowance and notice to that effect is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of these claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Stanley C. Spooner
Reg. No. 27,393

SCS:kmm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100